

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
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IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456
CIVIL ACTION: 01-12257-PBS

U.S. DISTRICT COURT
DISTRICT OF MASS.

THIS DOCUMENT RELATES TO
01-CV-12257-PBS

Judge Patti B. Saris

**DEFENDANT GSK'S MOTION FOR
LEAVE TO FILE UNDER SEAL**

Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK"), by its attorneys, hereby moves this Court for leave to file the following submissions under seal: (a) Motion for Summary Judgment as to All Claims Asserted by Plaintiffs David and Susan Ruth Aaronson and Certain Claims Asserted by Classes 1 and 2; (b) Memorandum in Support of GSK's Motion for Summary Judgment; (c) GSK's Local Rule 56.1 Statement of Undisputed Facts in Support of Its Motion for Summary Judgment; and (d) Exhibits in Support of GSK's Motion for Summary Judgment.

Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "Protective Order"), plaintiffs and defendants in the above captioned case have designated various documents and testimony in this litigation as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The pleadings identified above all incorporate – either directly or indirectly – information contained in such documents and testimony that have been designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." In particular, GSK's submissions refer extensively to or attach confidential billing and medical records relating to the named plaintiff Susan Ruth Aaronson, as well as confidential contract and pricing information from defendant

GSK and Mrs. Aaronson's health care provider. Pursuant to paragraph 15 of the Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

WHEREFORE, defendant GSK respectfully requests that this Court grant it leave to file under seal its (a) Motion for Summary Judgment; (b) Memorandum in Support of GSK's Motion for Summary Judgment; (c) Local Rule 56.1 Statement of Undisputed Facts in Support of GSK's Motion for Summary Judgment; and (d) Exhibits in Support of GSK's Motion for Summary Judgment; and all other relief that this Court deems just and proper.

Dated: March 15, 2006

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Mark H. Lynch", with a horizontal line drawn through it.

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2006, I caused a true and correct copy of Defendant GSK's Motion for Leave to File Under Seal to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2.

Mona M. Patel
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